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THE ARABIC PORTION OF THE CAIRO GENIZAH AT CAMBRIDGE.

(*Eleventh Article.*)

XXVII.

SA'ADYĀH'S "REFUTATION OF THE UNFAIR AGGRESSOR."

Two leaves, 20 × 14 cm.

The fragment published in this instalment is directed in general against "the dissenters from the Rabbanites," and in particular against a person not mentioned by name, but alluded to under the designation *הוא אלמחזאמל* "This unfair aggressor." As Sa'adyāh is known to be the author of a polemical treatise entitled *כחאב אלר' עלי אלמחזאמל*¹ (*Refutation of the Unfair Aggressor*), the suggestion is near enough to take the fragment as part of this pamphlet. Its strong anti-Qaraite tendency leaves, indeed, little room for assigning the treatise to another author, and its method of arranging rules and arguments in numbered classes is entirely in keeping with Sa'adyāh's habits.

But there is also linguistic evidence in favour of Sa'adyāh's authorship. The quotation of the verse Prov. xii. 13 is introduced by the phrase *והק סו*, "fateful neck rope²," and

¹ See Steinschneider, *Die arab. Literatur der Juden*, p. 51. Poznański, *J.Q.R.*, X, p. 254, spells *אלמחזאמל* according to the spelling given by Nissim b. Jacob. This, however, is not correct, as *חזל* (v) means "he took upon himself a burden," whilst *vi* has the meaning here required. In the fragment the word is spelt *אלמחזאמל*.—The word (?) *הויס*, which both Steinschneider and Poznański reproduce from their sources, is quite meaningless, and as it does not occur in the fragment it should be omitted altogether. Cf. also the Hebrew version *חשובה על הצוץ*.

² Dozy, *Supplément*, s.v., quotes Sa'adyāh on Ps. lxiv. 4.

the same phrase is employed in Sa'adyāh's Arabic versions not only of the verse in question, but also of Ps. lxiv. 4.

Another and more intricate question, however, is the relation of this pamphlet to the same author's *Refutation of Ibn Sāqweih*, a fragment of which has been published as No. IX of this series of Genizah texts¹. The identity of the two treatises is denied by Dr. Poznański², but the passages quoted by him from Nissim b. Jacob and Judah b. Barzillāi offer no clue to the solution of the problem. In vol. XIII of this Journal (p. 663 sq.) Dr. Harkavy published a fragment of the pamphlet against Ibn Sāqweih. In this fragment the author quotes the verse Prov. xxv. 8. The same verse is again commented upon in the fragment to follow here, and it is not probable that such a repetition would occur in one and the same treatise.

On the other hand there is a striking resemblance between the three fragments³ of the rejoinder against Ibn Sāqweih on one side, and this new one on the other, as regards the person criticized. Whilst in the former he is alluded to by the terms "this newcomer," "this person," "this man," "that foolish man," he is styled in the latter "that unfair aggressor." There is a certain climax in the last-named epithet, which I am inclined to refer to the same person, though it may not occur in the same treatise. In other words, it seems to me that the *כְּתָאב אֱלֹרֵי עַל אִלְמַחְחָאמֶל* is a second rejoinder by Sa'adyāh to the same Ibn Sāqweih.

Our fragment appears to belong to the earlier part of the treatise, immediately following the preface. The author puts up *seven* rules which he who desires to criticize an opponent's views must follow to be successful. The adjoining allusion to the *ten propositions* held by the other party probably refers to the *ten topics* spoken of in both of Harkavy's fragments (see pp. 656 and 663). The author, then, states the reason which induced him to write his pamphlet, viz. that the Qaraite opponent had selected

¹ See *J. Q. R.*, XVI, p. 100 sqq.

² *Ibid.*

³ Viz. both of Harkavy's fragment and the one alluded to above.

passages from the Rabbinical writings which are apparently at variance with the written law. Another parallel between the two pamphlets is the division of the *ten* topics into groups of four and six (Harkavy, p. 663).

The main point of discussion appears to be the Rabbinic interpretation that the celebration of Passover mentioned in Numbers ch. ix took place on a Sunday, whilst the Qaraite opponent maintained that it was a Friday. The discussion thus turns on the question of בר"ו, or the rule that the first day of Passover cannot fall on Monday, Wednesday, or Friday. A further Qaraite assertion that the arranging of the shewbread took place on Friday forms the object of refutation, but the fragment breaks off in the middle.

T-S. 8 Ka. 10⁶.

. . אליהם לילא יבאדר עלי אלזאמהם מא לם יקולוה ואלב אנ ימין Fol. 1
 קול אלפראד מנהם מן קול גמהורהם אעני גמאעתהם לילא יטאלב recto.
 אלגמאעה בקול אלפראד אלשאד ואלג יחתאנ אנ יערף מן קולהם מא הו
 כחיר אלוגראן ומא אנ יוגר [א]לא פי אלנדרה¹ לילא ידעי עליהם אנהם²
 אלנאדרון דאימא ואלד יחתאנ אנ יערף מן קולהם מא הו באלקוה ומא
 הו באלפעל לילא ידעי עלי מא קאלוה אנה באלפעל כאנו יפעלוה ואלה
 יתוקא אנ ידעי עליהם אנ לים פרעהם כאצלחם³ דון אחאטתה באצולחם
 כאחאטתה בפרעהם; ואלו יתוקא אנ ידעי עליהם אנהם נאקצו חתי יפנא
 אלממכן כלה מן קול אלמ[ח]תג⁴ להם פידכל קולהם חנינד פי אלממתנע
 ואלו יחור אנ יעארצחם כמא הו מעתרץ עליהם אנ יטען עליהם במא מתלה
 ינסב⁵ פי מדהבה; פאדא אחכם מן אנ יקצר אלרד עלי די מדהב הרה
 אלעשרה אבואב כאן רדה עליה צחיתא ואמן אנ יכגל ענר מלקאתה |
 כצמה בדלך כמא קאל אלו⁵ ישר לבי אמרי ודעת שפתי ברור מללו verso.
 פאן הו אהמל ואחר מן הרה אלי או כיה אנ אהמל ב או ה או כיה אנ
 אהמל כלהא ומע דלך אכד אנ יויד עלי כצמה פלו ילבח חתי קר אטהר
 עליה כצמה אנה לא יבצר לגתה או מעני לה או אנה קר אלזמה קול

¹ אלנדרהם.

² אָנָהּ, but the word is required.

³ כאצלחם with the second ל above the line.

⁴ מכ indistinct.

⁵ ד doubtful.

פראד או סאיר מא פי אלי אלונה פנל הו מן חית קדר אלכנאל וכזי
 הו במא ממע אן יכזי כצמה פתמני אנה לס יתערץ אלי אלדר עליה בחית
 לא תנפעה אלואמה¹ וכמא קאל אל תצא לריב מהר פן מה תעשה באתריתה
 בהכלים אתך רעד פאן כאן אלמדהב אלדי אומי אלי אלדר עליה דיאניא
 פאלז[א]מה מע אלעאר² אלכזי סכט מן ענר אלה ועקאב ועלי מא קאל אל
 תבהל על פיד ולבך אל ימהר להוציא דבר לפני האלהים כי האלהים
 בשמים ואתה על הארץ על כן יהיו דבריך מעמים פטובי מן תוקא אן
 ילפי³ בלסאנה גיר אלמסתוי ואלויל למן כאן כלממה והקא לה פאנה והק סו
 כמא קאל בפשע שפתים נוקש רע | ויצא מצרה צדיק: ואלדי דעאני אלי
 אן קדמת הדיה אללאקואל פי צדר הדיא אלכתאב לאני ראית בעץ מנתחלי
 אלמכלאפה עלי אלרבאנין נצר פי כתבהם אעני אלמשנה ואלתלמוד
 ואלתוספא פנמע מנהא אקואלא תוהם אנהא רד עליהם אתבתהא פי אלכתאב
 פלמא אטלעת פי גמלתהא לס אנד ואחדת מנהא ירד עליהם מן אנל אן
 אלסבב אלדי אטעכנ (?)⁴ להדיא אלמתחאמל פי אלדר עליהם הו גהלה באלדי
 מעאני אלתי דברתהא פפי בעץ קולה נסב אליהם מא לים הו להם ופי
 בעצה אלום גמאעתהם קול אלפראד (אשד⁵) מנהם ופי בעצה געל אלכאן
 מנהם פי אלגדרה דיאמא ופי בעצה חסב אלקול אלדי קאלה באלקוה
 אנה באלפעל ואנא מבין אצל הדיה אלד אבואב פי צדר הדיא אלכתאב
 ואבין פרועהא פי מוצע ואחד ואחד מנהא ולא אדכלהא פי מא בין הדיא
 אלקול (לק⁶) לטולהא ולאכני אשרת מן גהלה בו אלבאקיה מא יכון תמאם
 הדיא אלקול | באכתצאר⁷ ואקול אני ראיתה ינעלהם מרה וארתין ומרה
 מתאולין אד קאל פי מואצע תרך אלקום אצלחם ותרך אלקום ורתתהם וקאל
 פי מואצע דכלת עליהם שבה פי אלפסוק אלפלאני ואלפלאני פאן כאן
 אלקום וארתין בטל קולה אנהם מתאולין ואן כאנו מתאולין בטל קולה
 אנהם וארתין וראיתה איצא יזעם אנהם נאקצו אלמכתוב ונאקצו אנפסהם
 אד קאלו אן אלפסח בשנה השנית כאן יום אלאחד וזעם הו אנה כאן יום
 אלגמעה ואנה אלדי הלה עלי דלך אנה ראי משה רבינו נצר לחם הפנים
 על השלחן ביום החדש הראשון באחד לחדש א . . . ולחם הפנים לא ינצר

Fol. 2
recto.

verso.

¹ very indistinct in consequence of correction.

² above the line.

³ Read שש.

⁴ The last letters illegible.

⁵ אשד to be deleted.

⁶ לק to be deleted.

⁷ effaced and only faintly visible.

אלא יום אלסבת מן קולה ביום השבת [ביום] השבת יערכנות וענדה אן
 קולה ביום השבת יראד בה מן אליום אלגמעה ליום אלסבת פאעתמד
 עלי הדה אל שבהה ואדעא¹ אנהם נאקצו והו לא יבצר טרק אלמנאקצה¹
 פיעלם אן קולה הו אלמנקין לאן נצד לחם הפנים לא ינוז יום אלגמעה
 אד קאל ביום . . .

TRANSLATION.

[*Firstly*:] lest he rashly make them responsible for what they (the Rabbanites) have not said.

Secondly: He should distinguish between private and general opinion lest he make the community responsible for the opinion of a single individual.

Thirdly: He should know which of their teachings occurs frequently and which only casually, otherwise he might assert against them that a casual opinion of theirs is perpetual.

Fourthly: He should know which of their statements is potential and which is actual, lest he urge against them what they state to be actual. . . .²

Fifthly: He should be cautious in urging against them that a sub-division is not like the main theory, unless he comprehends the latter as he does the former.

Sixthly: He should be cautious in urging against them that they contradict [the law] to such an extent that every [other] possibility disappears from the assertion proved [by them], and their theory, consequently, becomes an impossibility.

Seventhly: He should carefully avoid opposing them in the same way as he opposes them when attacking them with an argument the like of which is embodied in his own views.

When he has thus made sure that his refutation of the followers of the *ten prepositions* does not fall short [of the rules enumerated above], his refutation will be valid, and he will be safe from being put to shame when meeting his opponents, according to Job xxxiii. 3. If he has, however, neglected one of these ten propositions, or it is feared that he neglected two or five, or all of them, in spite of his endeavours to overwhelm his opponent, he may anticipate that the latter will show him that he does not grasp his word or any meaning of it, or that he makes him responsible for the opinion of some individual,

¹ So vocalized with א above the line.

² The end of this passage is not quite clear, as instead of כאנו יפעליה כאנו we should expect something else.

or for any other of the few propositions. He is, then, put to shame as much as he thought to shame his opponent, and is abashed in the same degree as he desired to abash the other. He will then wish he had not undertaken to refute him, since his attack did not profit him. This is illustrated by Prov. xxv. 8¹.

Now if the object of his attempted refutation is of religious character, the shame and disgrace will be enhanced by the wrath and punishment of God, as is written in Eccles. v. 1. Happy he who is careful not to speak but what is right, but woe to him whose speech is a neck rope² for him, because it is a fateful neck rope as intimated in the verse Prov. xii. 13.

What induced me to write these prefatory remarks was that I saw that one of the opponents of the Rabbanites had glanced into the literature of the latter, viz. the Mishnāh, the Talmud, and the Tōsiftā, and had collected a few passages which he imagined contradicted Scripture³. When I, however, examined them all, I did not find one which refutes them, because the reason which . . .⁴ this UNFAIR AGGRESSOR of the Rabbanites is his ignorance of the *ten propositions* mentioned above. In one case he foists on them an opinion which is not theirs, in another he makes the whole [Rabbanite] community responsible for the opinion of an individual; in other cases he represents matters spoken of casually as being the rule, and finally he considers sayings spoken potentially as actual. I am about to explain the general principle of these four cases⁵ in the introduction of this treatise. The details, however, will be discussed in their place without bringing them in here on account of their length. But I will briefly refer to his ignorance of the six remaining points which shall form the conclusion of this treatise. I am aware that they (the Qaraites) at one time represent Rabbanites as followers of tradition, and at another as [independent] arguers. He says in several places: "The people abandoned their principle," or "the people abandoned their traditional interpretation." In other places, again, he says: "They entertain doubts with regard to this and that verse." Now if people follow tradition, it is absurd for him to assert that they argue independently, and if they do the latter he cannot call them followers

¹ Compare the words רָבִי and יָדִי in the fragment with מְרִיבָא in the author's Arabic version of the verse in question.

² See Introduction.

³ This is evidently the meaning of the passage, although the wording of the original is not quite clear. They mean perhaps: He has established in Scripture a refutation of them.

⁴ The last two letters of this word are blurred.

⁵ See Introduction.

of tradition. To my mind he also imagines that the Rabbanites contradict the written word as well as themselves when they assert that the Passover of the second year (Num. ix) fell on a Sunday, whilst he asserts that it was a Friday. He finds the proof of this in the circumstance that Moses commanded the setting in order of the shewbread on the table on the first day of the first month (Exod. xl. 1, 14, 23). The shewbread was only set in order on the Sabbath according to Lev. xxiv. 8. In his (the opponent's) opinion the words "on the Sabbath" mean from Friday to Sabbath. He bases this opinion on the ambiguity of the expression, and asserts that they (the Rabbanites) contradicted [the Law]. It is he who is ignorant of the ways of contradiction, and, therefore, does not see that *his* opinion deserves to be contradicted, because the setting in order of the shewbread would not take place on a Friday on account of Lev. [xxiv. 8].

XXVIII.

SA'ADYĀH'S TREATISE ON USURY.

One leaf, 19.5 × 17 cm.

The following fragment, unfortunately very short and much mutilated, contains the beginning of a hitherto unknown treatise ascribed in the heading to Sa'adyāh. The title *On Usury* is not mentioned in any available list of Sa'adyāh's writings. This circumstance is, of course, no argument against its authenticity, neither does the fact that the fragment is not part of an independent pamphlet, but of a volume which also contains copies of another treatise, militate against its genuineness. Sa'adyāh's authorship is supported by the introduction, which, in his usual manner, indulges in classification. He begins by dividing his subject into *fourteen* classes, which he arranges in *four* groups. Of the last named only three are legible, viz. profit, increase, and decrease. The author then gives definitions of various classes of commercial transactions, such as advancing money on grain or fruit before they are ripe; care in avoiding fraud; agreement to deliver manufactured goods (e. g. a garment) for a fixed price. If

a person borrows utensils or grain, and these goods increase or decrease in value (while in his possession) he must pay the creditor either according to the original price, or in kind of the same value. The fragment breaks off at the beginning of a discussion of another group of four.

T-S. 12. 800.

Recto, line
3 from
bottom.

Verso
line 4.

קול פי אלרבה לגאון פיומי נוחו עדן
אנוע אלרבה יד פנא וינבי אן נשרחה ונקול אן אלרבה
אלמתקדם אנועהא ארבעה אלחמרה
ואלסבנא (so) ואלנקצאן ל
מאיה תם
פיוכסר
ואלרבה
אלרד ואלסלף
אמא אלביע ב קול לה . . .
הזה אלדאר אלסאעה . . . באלף דינא[ר] . .
פבאלף ומאיה ואלמשרוט אלרד פהו אן יבי[ע] . . . [אלבר]ארה
וישרט עליה מתי מא רוקה אללה רד עליה מנחא
ואכדהא אללחם אלא אן יביעהא לה במא תסאוי פי אלוקת
אלתאני ואמא אלסלף פהו מא יסלף אלנאם עלי אלחבוב
ואלתמאר מן קבל אן תנבת או מן קבל אן יערף להא . . ר
ואלבארה מן אלכסארה פהו אלדי [שר]ט לנפסה חצה
פי אלרבה וליס עליה מן אלכסארה . . . אלחקוי[ם] ?
פהו מא יקום אנסאן עלי צאחב[ה] . . . תובא בעשרה
דראהם פמא רבח פוק אלעשרה . . . נחמא (?) ואן . . לף
דפע אליה עשרה ואמא אלגלא פהו מן יקתרץ שיא
סתם מן אלמתאע ואלחבוב פחכמה אן אל אלי גלא דפע
אליה תמנה ואן אל אלי רכץ דפע אליה מתלה מתאעא או
חבא ואלרבה אלדי יחתמל אלחאלין נמיעא ארבעה צרוב

HARTWIG HIRSCHFELD.